

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Randy Tate,

Plaintiff

v.

Social Security Administration,

Defendant

Case No.: 2:16-cv-00141-JAD-VCF

**Order Adopting Report and
Recommendation, Dismissing Amended
Complaint with Prejudice, and Closing
Case**
[ECF 6]

Randy Tate sued the Social Security Administration to exempt himself from participation in the Social Security program and recoup the funds he paid into the program during his lifetime.¹ Magistrate Judge Ferenbach granted Tate's application to proceed *in forma pauperis*, screened his complaint under 28 USC § 1915(e), and recommended that I dismiss Tate's sole claim without prejudice and with leave to amend.² I adopted Magistrate Judge Ferenbach's unobjected-to report, dismissed Tate's complaint, and gave him 30 days to file an amended complaint.³

Tate timely filed an amended complaint in which he seeks judicial review of the administrative law judge's decision partially granting Tate social security disability benefits.⁴ On March 25, 2016, Magistrate Judge Cam Ferenbach screened Tate's amended complaint and entered a report recommending that I dismiss Tate's amended complaint with prejudice for failure to exhaust administrative remedies.⁵ Objections were due by April 11, 2016, and Tate has not filed an objection.

"[N]o review is required of a magistrate judge's report and recommendation unless

¹ ECF 3.

² ECF 2 at 3.

³ ECF 4.

⁴ ECF 5.

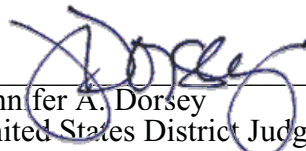
⁵ ECF 6.

1 objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also*
2 *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
3 Cir. 2003). Tate has filed no objections, and I agree with Magistrate Judge Ferenbach’s conclusion
4 that Tate’s claim fails for failure to exhaust administrative remedies. Accordingly, and with good
5 cause appearing,

6 It is hereby ORDERED that Magistrate Judge Ferenbach’s Report and Recommendation
7 **[ECF 6]** is **ACCEPTED** and his findings and conclusions are adopted;

8 IT IS FURTHER ORDERED that plaintiff’s amended complaint is **DISMISSED** with
9 prejudice. The Clerk of Court is instructed to enter judgment for defendant and against plaintiff and
10 CLOSE THIS CASE.

11 DATED April 13, 2016.

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13 Jennifer A. Dorsey
14 United States District Judge
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